



Trademarks and the metaverse

Context and background information

In the simplest of terms, it is a virtual space in which users are and will be able to interact and connect with each other in myriad ways – gaming, collaborating, shopping, and exploring – without leaving the comfort of their couch.

If your company is contemplating selling branded virtual goods and services in the metaverse, trademark applications should be filed as soon as possible.

Companies that have an appetite for the online area and that contemplate selling branded virtual goods in the metaverse or that offer services for this area, can consider the following possibilities for trademark protection:

Examples of companies which protected their trademarks in the metaverse

- ❑ **Gucci** – has partnered with a virtual reality platform to create a virtual museum and store, where users can explore and purchase virtual Gucci products.
- ❑ **Mars** - has filed Snickers as trademark applications to enter the metaverse and NFT space
- ❑ **Carrefour** - developed a new game level where players must eat healthily in a virtual Carrefour supermarket to recoup hit points and heal their characters for a healthy boost
- ❑ **Hyundai** – has targeted the tech-savvy population and partnered with Roblox for Hyundai Mobility Adventure, the video game highlights an immersive experience between characters and Hyundai's newest technology.
- ❑ **Samsung** - has launched its first metaverse store in Decentraland. Samsung 837x is a store where users could stop by and browse collections or take on quests.
- ❑ **McDonalds** - filed several trademarks hinting at plans to sell virtual food and beverages in the digital space



Trademark protection in the metaverse

GUCCI

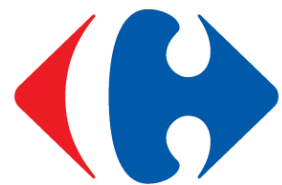
Class
9

Downloadable virtual goods such as clothing, footwear, bags, computer and phone cases, clutches, purses, eyewear, jewelry, watches, perfumes etc. being for use in online virtual environments; downloadable multimedia files containing artwork, text, audio, and video relating to fashion; amongst others.

SNICKERS

Class
35

Online retail store services featuring virtual products, namely, chocolate, confectionery, candy, gum, snacks and drinks.



Carrefour

Class
41

Provision of virtual reality game software, downloadable and non-downloadable; virtual reality games services provided online from a computer network.



HYUNDAI

Class
42

Design and development of virtual worlds application software; development of virtual reality software relating to avatars

SAMSUNG

Class
42

Providing virtual computer systems and virtual computer environments through cloud computing



Class
43

Operating a virtual restaurant offering actual food and beverages

What the Offices are saying

“Brand owners should be considering how to construct their virtual marketplace with appropriate trademark registrations, a robust policing strategy and appropriate licenses and terms of use as they look to grow in the metaverse.”

Although the metaverse is lacking yet clear guidelines, both the United States Patent and Trademark Office (USPTO) and the European Union Intellectual Property Office (EUIPO) shares a common objective, that of preventing the private monopolies. Both offices have provided some initial guidance for classification purposes, being fully committed to address the challenges posed by the commercialization of the metaverse.

The USPTO has offered the first indications on identifying goods and services required for metaverse-focused applications by encouraging the brands to clarify the wording of their goods and services. In this respect, the USPTO recommends specifications such as "in online virtual worlds" for class 9 and 35, and "created for entertainment purposes" for class 41.

The EUIPO aims to leverage new digital opportunities and trends like the metaverse. However, the main challenge lies in the description of virtual goods, which often lack clarity and precision. The EUIPO finds "virtual goods" as unacceptable and requires a specification on the content, such as "virtual clothing." The 12th edition of the Nice Classification will include the term "downloadable files authenticated by the NFT" in class 9, while services related to virtual goods and NFTs will be classified based on established principles.



How can we help?

Cosmovici Intellectual Property is a law firm specialized in the field of intellectual property right protection, offering a full spectrum of results driven services ranging from the acquisition and maintenance of intellectual property rights to their enforcement and defense in infringement cases.

How can we assist you?

- We can review your trademark portfolio and provide comprehensive protection recommendations for your brands within the Metaverse.
- We can assist in addressing any potential gaps in protection by adhering to the latest rulings issued by IP offices in relation to Metaverse protection.

Further steps

Do you have any questions? We are happy to assist you.
Send us an email at paulcosmovici@cosmovici-ip.com



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